

**REMARKS/ARGUMENTS**

This Amendment is in response to the Final Office Action of July 21, 2008 in which the Examiner (1) rejected claims 1, 4-5, 8, 19 and 24-25 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,590,197 ("**Chen**") in view of U.S. Patent Publication No. 2003/0191715 ("**Pinizzotto**"), and further in view of E. Wieffering, M. Levy, Staff Writers, "Ret-hot Target Visa draws scrutiny," Star Tribune, Minneapolis, Minn ("**Wieffering**"), (2) rejected claims 2-3, 6 and 20-22 under 35 U.S.C. 103(a) as being unpatentable over **Chen** and **Pinizzotto** and **Wieffering**, and in further view of U.S. Patent Publication No. 2002/0178112 ("**Goeller**"), (3) rejected claims 7 and 23 under 35 U.S.C. 103(a) as being unpatentable over **Chen** and **Pinizzotto** and **Wieffering** and in further view of U.S. Patent Publication No. 2002/0046341 ("**Kazaks**"), (4) rejected claims 9 and 26 under 35 U.S.C. 103(a) as being unpatentable over **Chen** and **Pinizzotto** and **Wieffering** and in further view of U.S. Patent No. 7,072,864 ("**Brake, Jr.**"), (5) rejected claims 10-11, 15, 27-28 and 32 under 35 U.S.C. 103(a) as being unpatentable over **Chen** in view of **Pinizzotto** and further in view of **Brake, Jr.**, (6) rejected claims 12-14, 17 and 29-31 under 35 U.S.C. 103(a) as being unpatentable over **Chen** in view of **Pinizzotto** in view of **Brake, Jr.** and further in view of U.S. Patent No. 5,777,305 ("**Smith**"), (7) rejected claim 16 under 35 U.S.C. 103(a) as being unpatentable over **Chen** in view of **Pinizzotto** in view of **Brake, Jr.**, and further in view of **Kazaks**, (8) rejected claim 18 under 35 U.S.C. 103(a) as being unpatentable over **Chen** in view of **Pinizzotto** in view of **Brake, Jr.** and further in view of **Goeller** and (9) rejected claim 33 under 35 U.S.C. 103(a) as being unpatentable over **Chen** in view of **Pinizzotto** and in view of **Brake, Jr.**, in view of **Smith**, and further in view of **Kazaks**.

Applicants have carefully reviewed the Final Office Action, and are proposing amendments to independent claims 1, 10, 19, and 27. The amendments to the claims rearrange limitations already recited or clearly implicit in pending claims, and thus would not require any new searching by the Examiner. It is believed the proposed amendments place the claims in condition for allowance, or alternatively, in better form for purposes of appeal, and entry is therefore believed proper and is respectfully requested.

In reviewing the Examiner Remarks on pages 11-13 of the Office Action, which reflect the Examiner's response to the previous Amendment, Applicants understand the Examiner's position to be that the limitations relating to a "private label card" and a "private label card" identifier can be ignored by Examiner because of the manner in which they are recited (i.e., "the card itself is not linked to any of the disclosed method steps" - see page 11 of the Remarks).

While Applicants do not agree with the Examiner's logic or analysis, in order to overcome the Examiner's rejection, Applicants now recite in one place (the preamble) in each of the independent claims the specific relationship between the private label card, the account associated with the card, and the private label card identifier that identifies the associated account (these relationships were previously recited in various claim locations).

Furthermore, it is now recited in claim 1 that the result of Applicants' invention is that the cost of each transaction is "authorized and paid by the financial institution based on the financial account."

As noted in Applicants' previous response, none of the cited references show the use of a financial account to conduct transactions against a private label card account in the manner recited, and therefore the independent claims (as well as the dependent claims, which all recite limitations in addition to those in their respective parent claims) are believed allowable.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

Appl. No. 10/825,960  
Amdt. dated September 18, 2008  
Amendment under 37 CFR 1.116 Expedited Procedure  
Examining Group 3691

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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